



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 25.01.2017

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM

and

THE HONOURABLE MR.JUSTICE P.KALAIYARASAN

CONT.P(MD)No.1587 of 2016

in

W.P(MD)No.17554 of 2015

S.Yesu Raja

... Petitioner/Petitioner

Vs.

1.Maruthupandi,

Assistant Divisional Engineer (National Highway),
Construction and Maintenance,
Thuckalay, Kanyakumari District.

2.Puvaneswari,

Thasildhar,
Kalkulam Taluk,
Kanyakumari District.

... Contemnors/ Respondents

PRAYER: Contempt Petition is filed under Section 11 of the Contempt of Courts Act, 1971 praying to punish the respondents herein for their deliberate and willful disobedience of the order of this Court dated 29.09.2015 in Writ Petition(MD)No.17554 of 2015 amounting to Contempt of Court under Section 11 of the Contempt of Courts Act,1971.

Prayer in WP(MD). 17554/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue WRIT OF MANDAMUS directing the 3rd respondent herein to consider and take suitable action based on the petitioners representation dated 03.06.2015 so as to remove the encroachments in Swamiyarmadam-Meacode, Meacode Kulasekaram and Thuckalay-Thadikarankonam roads within a reasonable time as may be specified by this Honble Court.

For Petitioner : Mr.E.V.N.Siva

For Respondents : Mr.D.Muruganandam,
Additional Government Pleader.

ORDER

[Order of the Court was made by A.SELVAM, J.]

This Contempt Petition has been filed praying to punish the respondents since they failed to obey the direction given in W.P (MD)No.17554 of 2015 by this Court.



it has been specifically directed the second respondent herein to conduct survey in the places mentioned therein. Since the second respondent has failed to conduct survey as per the direction given by this Court, the present petition has been filed.

3.The learned counsel appearing for the petitioner has advanced his argument on the basis of averments made in the petition.

4.The learned Additional Government Pleader appearing for the respondents has contended that as per direction given by this Court, the second respondent has conducted survey in all the places and also sent a report to the first respondent.

5.On the basis of representation made on the side of the respondents, this Court has perused the report preferred by the second respondent.

6.In fact the second respondent as per the direction given by this Court has surveyed the entire disputed area and also submitted a report to the first respondent.

7.Considering the aforesaid factual circumstances, the Court cannot come to a conclusion that the second respondent has disobeyed the order passed in W.P(MD)No.17554 of 2015 and therefore the present contempt petition deserves to be dismissed.

8.In fine, this contempt petition deserves dismissal and accordingly is dismissed. However the first respondent is directed to take appropriate steps to remove all encroachments. No costs.

Sd/-

Assistant Registrar (AS)

/True copy/

Sub Assistant Registrar

To

1.Maruthupandi,

The Assistant Divisional Engineer (National Highway),
Construction and Maintenance, Thuckalay, Kanyakumari District.

2.Puvaneswari, The Thasildhar,

Kalkulam Taluk, Kanyakumari District.

+1 CC to M/s.E.V.N.SIVA, Advocate, SR No. 4247.

SMN

PSM/CM/MSA/07.02.2017/2P/4C

ORDER MADE IN
CONT.P (MD) No.1587 of 2016
in
W.P (MD) No.17554 of 2015
25.01.2017